

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

T5b

March 23, 2006



TO: Commissioners and Interested Persons

FROM: Peter Douglas, Executive Director

SUBJECT: Executive Director's Determination that City of Dana Point Certified Local Coastal Program (LCP) Amendment Request No. 1-06 is De Minimis (For Commission Concurrence at its April 2006 meeting in Santa Barbara).

DE MINIMIS LCP AMENDMENT

The Coastal Act was amended, effective January 1, 1995, to provide for an additional way for the Commission to review amendments to certified Local Coastal Programs. Section 30514(d) was added to allow the Executive Director to make a determination that a proposed LCP amendment is de minimis in nature. The Executive Director must determine that the proposed amendment: 1) would have no impact, either individually or cumulatively, on coastal resources; 2) is consistent with the policies of Chapter 3; and 3) does not propose any change in land use or water use or any change in the allowable use of property. Section 30514(d) requires the local government to notice the proposed de minimis LCP amendment by one of three ways: 1) publication in a newspaper of general circulation; 2) posting on-site and off-site the area affected by the amendment; or 3) direct mailing to owners of contiguous property. The notice must specify the procedure for submitting comments on the proposed amendment.

DESCRIPTION OF LCP AMENDMENT REQUEST

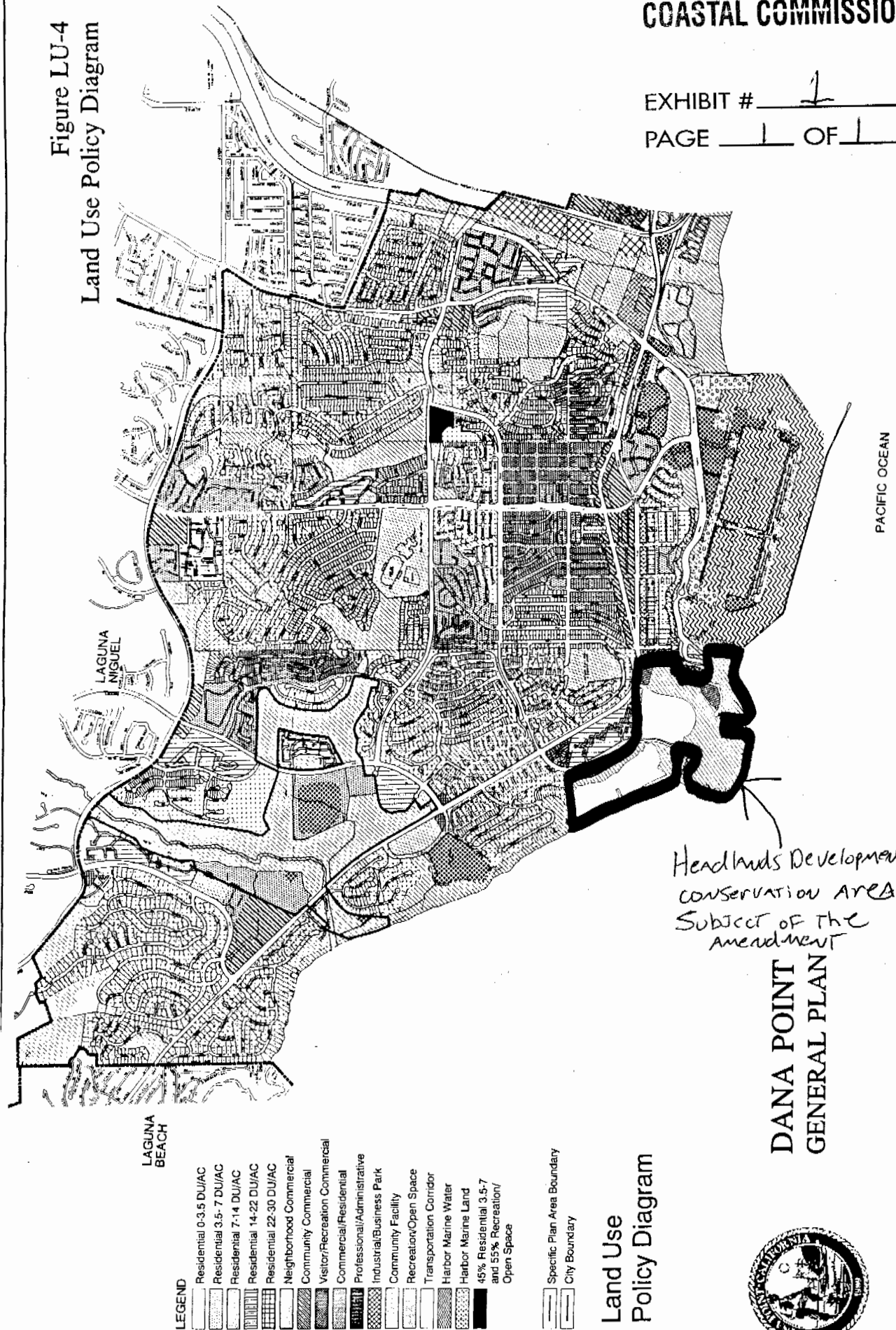
On February 6, 2006, in accordance with Section 30514 (d) of the California Coastal Act, the applicant submitted their request for a de minimis LCP Amendment with respect to the previously approved plant palette within the boundary of the Dana Point Headlands Conservation Development Plan (Exhibit 1). The amendment affects both the Land Use Plan (Exhibit 3) and Implementation Plan (Exhibit 4) components of the certified LCP. The proposed Amendment would allow that portion of Strand Vista Park situated seaward of the County parking lot and the area along the North project boundary parallel to the County beach access stairway (further identified as Lot Q of Tract 16331) and the common areas of the project proposed for maintenance by the homeowners association (HOA), such as the project entries and residential streets, to utilize the drought-tolerant plant palette that is already allowed in the Headlands Development and Conservation Plan for the residential lots. Similarly, the applicant is also requesting that the PCH Commercial site (Planning Area 4) be allowed the same drought-tolerant plant palette previously approved for the Hotel site (Planning Area 9). A map of the areas where native plants are presently required is depicted in Exhibit 2, and the proposed condition is represented in Exhibit 4, page 4. The proposed Amendment does not create a new plant palette or add new species, but rather is a request to allow the previously approved plant palette for residential lots and the Hotel to be applied to a slightly broader area. All of the current restrictions in the Local Coastal Plan against the use of invasive species to maintain the quality of nearby habitat are still applicable. The South Strand Vista Park area designated for habitat revegetation will continue to utilize the native species plant palette as previously approved.

EXECUTIVE DIRECTOR'S DETERMINATION

The Executive Director hereby determines that City of Dana Point LCP Amendment Request No. 1-06 is de minimis. Based on the information submitted by the City, the proposed LCP amendment allows the use of native and non-native drought tolerant, non-invasive plant species

within areas that are not designated habitat preservation areas within the Headlands plan that will have no impact on coastal resources, is consistent with the Chapter 3 policies of the Coastal Act, and does not propose any changes to existing or allowable land or water uses. Additionally, the local government notice of this LCP amendment request was carried out consistent with the notice requirements of Section 30514(d) of the Coastal Act. Therefore, the Executive Director recommends that the Commission concur in the determination that LCP Amendment Request No. 1-06 is de minimis pursuant to Section 30514(d) of the Coastal Act. Unless three or more members of the Commission object to this determination, the amendment shall become part of the certified LCP 10 days after the date of the Commission meeting.

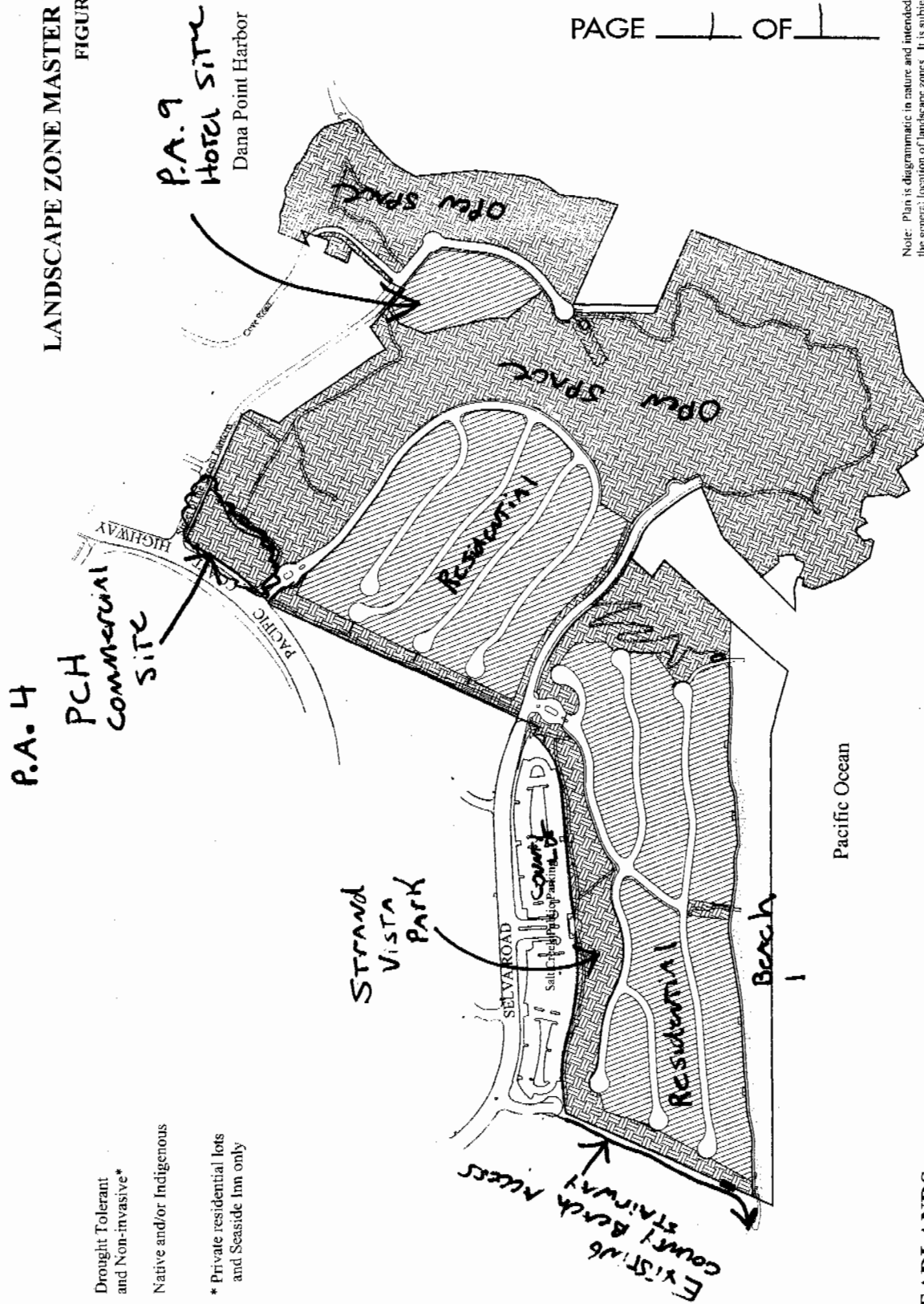
Figure LU-4
Land Use Policy Diagram



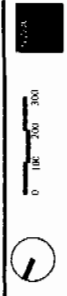
COASTAL COMMISSION

EXHIBIT # 2
PAGE 1 OF 1

LANDSCAPE ZONE MASTER PLAN
FIGURE 4.16.1



Note: Plan is diagrammatic in nature and intended to show the general location of landscape zones. It is subject to change based on final engineering, planning, and design.



THE HEADLANDS
DEVELOPMENT AND CONSERVATION PLAN

Landscape Requirement in
Currently Approved LCP

Exhibit 3

Land Use Plan Component Changes

- Urban Design Element**
- Conservation Open Space Element**

The Headlands

The Dana "Point" portion of the Headlands is one of the most significant landforms in the City. The primary Urban Design goal shall be to preserve the Dana "Point" area, including its coastal bluffs, and develop a coastal trail system on the plateau that rises approximately 180-215 feet above the Pacific to create extraordinary public view opportunities. As stated in the Land Use element, it is this area of the property—the Dana "Point," the coastal bluffs, and the coastal plateau—that is commonly referred to as the "Headlands." Urban Design objectives for development on the Headlands are:

- Preserve a continuous open space corridor along the coastline, providing full public access to the bluff edge and coastal views.
- Create safe coastal view opportunities such as the Strand Vista Park adjacent to the County Strand Beach parking lot, and a lateral public accessway with picnic tables and benches, near beach level, seaward of the Strand residential development and on top or landward of any shoreline protective device.
- Create public open space amenities, walkways, and a trail system within the Headlands that can ultimately be connected to the Blufftop Trail to the south, and the Salt Creek Beach Park to the north.
- Preserve the relative height and visual prominence of the ridge top and designate the hilltop area near Pacific Coast Highway for public park, public trail, and permanent open space uses.
- Develop a landscaped open space corridor consistent with existing corridors along Pacific Coast Highway.
- Future buildings on the Headlands should be carefully integrated with surrounding development and maintain a visual profile that limits disruption of public ridgeline views from Dana Point Harbor and public parks.
- Create a comprehensive set of development guidelines, unifying the public and private components of the Headlands.
- Emphasize a creative use of appropriate materials when designing public facilities, such as visitor-serving recreational facilities, trails, and walkways.
- Drought tolerant and ~~native~~ non-invasive species shall be utilized ~~within public open spaces, commercial areas and the edges of private development adjoining natural open space areas. Landscaping of the Seaside inn site may utilize non native species provided those species are drought tolerant and non-invasive throughout the project site.~~ Native species shall be utilized in all areas, including the South Strand Vista Park area designated for habitat revegetation, with the exception of the following: the

Seaside Inn, PCH Commercial, residential lots, Home Owners Association ("HOA" maintained common areas and slopes (residential plan areas only) and the remainder of Strand Vista Park not reference above.

- Provide a strong connection with the ocean through the inclusion of coastal access and ocean view preservation.
- Design a series of monuments, landmarks and landscape features that designate the primary points of entry into the Headlands.
- Design all public beach accessways and surrounding development in a manner that conspicuously invites and encourages maximum public use of the accessways, beach and other public facilities.

COASTAL COMMISSION

EXHIBIT # 3

PAGE 2 OF 4

In addition to the policies above, the following policies shall guide future development/redevelopment of the Headlands:

Policy 3.11: Except as authorized under Conservation Open Space Element Policy 3.12, uses within ESHA within the Headlands area, which includes but may not be limited to the approximately 50 acres of land on Dana Point, the Harbor Point promontory, the Hilltop Park and greenbelt and is generally depicted on Figure COS-1, shall be limited to habitat enhancement and maintenance; passive public recreational facilities such as trails, benches, and associated safety fencing and interpretive/directional signage provided those uses do not significantly disrupt habitat values. Fuel modification to serve adjacent development shall be prohibited within ESHA.

Policy 3.12: In the context of any specific project application that provides all of the HDCP Elements, and only in conjunction with a requirement that the plan be completed as a whole, a maximum of 6.5 acres of ESHA may be displaced along the slopes of the bowl to accommodate development within the bowl, and a maximum of 0.75 acres of ESHA located on the Strand bluff face at the southerly boundary of the Strand may be displaced to accommodate development within the Strand. The amount of ESHA permitted to be displaced may be increased as necessary to accommodate construction of a 65-90 room inn, scaled appropriately to the property, within Planning Area 9 provided that lower-cost visitor overnight accommodations are provided consistent with Land Use Element Policy 5.44. The maximum impacts to ESHA identified in this policy do not pertain to or limit vegetation removal necessary to construct and maintain public trails as identified on Figure COS-4.

Policy 3.13: Fencing or walls shall be prohibited within ESHA except where necessary for public safety or habitat protection or restoration. Fencing or walls that do not permit the free passage of wildlife shall be prohibited in any wildlife corridor. If new development engenders the need for fencing or walls to protect adjacent ESHA, the fencing or walls shall be located within the development footprint rather than within the ESHA.

Policy 3.14: Exterior night lighting shall be shielded and directed so that light is directed toward the ground and away from sensitive biological habitat.

Policy 3.15: All new development that degrades or eliminates ESHA, as specifically allowed under Conservation Open Space Element Policy 3.12, shall only be allowed in conjunction with a requirement for mitigation for those impacts such that the net impact of both the development and the mitigation results in no net loss of ESHA within the coastal zone. The mitigation ratio shall be a minimum of 3:1 (substantial restoration/creation:impact) of which there shall be a minimum 1:1 substantial restoration/creation to impact ratio, preferably on-site or within the coastal zone.

Policy 3.16: Except for landscaping on private residential lots, that portion of Strand Vista Park situated seaward of the County parking lot and the area along the North project boundary parallel to the County beach access stairway, the HOA maintained common areas and slopes (residential plan areas only) and the visitor/recreation commercial (i.e. PCH

Commercial and Seaside Inn) site adjacent to Harbor Point), all landscaping (including temporary erosion control and final landscaping) for all development within the Headlands shall be of plants native to coastal Orange County and appropriate to the natural habitat type. Native plants used for landscaping shall be obtained, to the maximum extent practicable, from seed and vegetative sources at the Headlands. No plant species listed as problematic and/or invasive by the California Native Plant Society, California Exotic Pest Plant Council, or as may be identified from time to time by the State of California shall be utilized anywhere within the Headlands, including within private residential lots, that portion of Strand Vista Park situated seaward of the County parking lot and the area along the North project boundary parallel to the County beach access stairway, the HOA maintained common areas and slopes (residential plan areas only) and the visitor/recreation commercial (i.e. PCH Commercial and Seaside Inn) site adjacent to Harbor Point). No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized anywhere within the proposed development area, including the private residential lots, that portion of Strand Vista Park situated seaward of the County parking lot and the area along the North project boundary parallel to the County beach access stairway, the HOA maintained common areas and slopes (residential plan areas only) and the visitor/recreation commercial (i.e. PCH Commercial and Seaside Inn) site adjacent to Harbor Point). Drought tolerant plant species shall be used and native plant species are encouraged within the private residential lots, that portion of Strand Vista Park situated seaward of the County parking lot and the area along the North project boundary parallel to the County beach access stairway, the HOA maintained common areas and slopes (residential plan areas only) and the visitor/recreation commercial (i.e. PCH Commercial and Seaside Inn) site adjacent to Harbor Point).

Policy 3.17: To protect ESHA and minimize adverse visual impacts new structures shall be prohibited on bluff faces excepting repair, re-construction or improvements to existing, formal public trails or stairways identified in this LCP and the new residential development and new public accessways specifically contemplated by this LCP in the Strand, and in that case only in the context of a project application that provides all of the HDCP Elements, and only in conjunction with a requirement that the plan be completed as a whole. Such structures shall be constructed and designed to not contribute to further erosion of the bluff face and to be visually compatible with the surrounding area to the maximum extent feasible.

COASTAL COMMISSION

EXHIBIT # 3
PAGE 4 OF 4

Exhibit 4

Implementation Plan Component Changes

- Headlands Development &
Conservation Plan

3. Landscaping for All Development

Except for landscaping on the private residential lots, that portion of Strand Vista Park situated seaward of the County parking lot and the area along the North project boundary parallel to the County beach access stairway, the Home Owners Association ("HOA") maintained common areas and slopes (residential plan areas only) and the visitor/recreation commercial (i.e. PCH Commercial and Seaside Inn) site adjacent to Harbor Point, all landscaping (including temporary erosion control and final landscaping) for all development shall be of plants native to coastal Orange County and appropriate to the natural habitat type. Native plants used for landscaping shall be obtained, to the maximum extent practicable, from seed and vegetative sources on the project site. No plant species listed as problematic and/or invasive by the California Native Plant Society, California Exotic Pest Plant Council, or as may be identified from time to time by the State of California shall be utilized anywhere within the proposed development area, including the landscaping within the private residential lots, that portion of Strand Vista Park situated seaward of the County parking lot and the area along the North project boundary parallel to the County beach access stairway, the HOA maintained common areas and slopes (residential plan areas only) and the visitor/recreation commercial (i.e. PCH Commercial and Seaside Inn) site adjacent to Harbor Point. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized anywhere within any development area, including within any private residential lots, that portion of Strand Vista Park situated seaward of the County parking lot and the area along the North project boundary parallel to the County beach access stairway, the HOA maintained common areas and slopes (residential plan areas only) and the visitor/recreation commercial (i.e. PCH Commercial and Seaside Inn) site adjacent to Harbor Point. All landscaping shall be drought tolerant. Use of native plant species is encouraged within the private residential lots, that portion of Strand Vista Park situated seaward of the County parking lot and the area along the North project boundary parallel to the County beach access stairway, the HOA maintained common areas and slopes (residential plan areas only) and the visitor/recreation commercial (i.e. PCH Commercial and Seaside inn) site adjacent to Harbor Point.

4. Lighting

All lighting shall be shielded and directed so that light is directed toward the ground and away from sensitive biological habitat.

D. Fences, Walls and Hedges

In addition to the Design Guidelines provided in Section 4.12, all fences, walls and hedges shall comply with the following provisions, which shall replace and supersede the requirements of Section 9.05.120 of the Dana Point Zoning Code.

1. Maximum Height within the Required Side and Rear Yards

COMMISSION
PROJECT # 4
PAGE 1 OF 5

4.16 MASTER LANDSCAPE AND IRRIGATION GUIDELINES

The HDPC master landscape guidelines establish project-wide criteria that aesthetically complement the coastal setting. The primary goals are to maximize coastal views, maintain appropriate scale, utilize native and drought tolerant plant materials, and create pedestrian friendly environments. These landscape guidelines complement and work in conjunction with those found in Section 4.12, Design Guidelines.

The HDPC landscape improvements establish a cohesive visual image and provide appropriate transitions from natural areas primarily located in the parks, greenbelts and open space, to the more formalized landscaping within the development envelopes. Figure 4.16.1, Landscape Zone Master Plan, illustrates the primary landscape zones.

The Revegetation Palette, as identified in Table 4.14.1, includes coastal sage scrub and grassland species which will expand and enhance the conserved open space and ESHA, that enhance public views, conserve water, and avoid invasive plant materials. Restoration/mitigation activities shall follow the guidelines outlined in Section 4.14, Parks and Open Space Management Plan, which also include details concerning landscaping in native, indigenous or fuel modification areas.

The Native Landscape Plant Palette, Table 4.16.1, includes a broader range of Orange County coastal native plants, including site specific or nearby chaparral, woodland, coastal sage scrub, and native grassland species. This species list was developed following consultation with biologists, including the California Native Plant Society. The Native Landscaping Plant Palette is required for all areas of the site, with the exclusion of the ESHA and restoration/mitigation areas which are covered by the Revegetation Plant Palette, Table 4.14.1, and the private residential lots in Planning Areas 2 and 6, that portion of Strand Vista Park situated seaward of the County parking lot and the area along the North project boundary parallel to the County beach access stairway, the Home Owners Association ("HOA") maintained common areas and slopes (residential plan areas only) and the PCH Commercial and Seaside Inn, Planning Areas 4 and 9, respectively. The private residential lots in Planning Areas 2 and 6, that portion of Strand Vista Park situated seaward of the County parking lot and the area along the North project boundary parallel to the County beach access stairway, the HOA maintained common areas and slopes (residential plan areas only), and the PCH Commercial and Seaside Inn, Planning Areas 4 and 9, respectively, may utilize any species shown on Table 4.16.2, Drought Tolerant, Non-Invasive Landscape Palette, plus all species identified in Table 4.16.1.

Utilizing vertical landscape elements such as trees to frame views shall enhance significant public coastal view opportunities. Private homeowners and the commercial development in Planning Areas 4 and 9 are encouraged to utilize plant species from Table 4.16.2. However, landscaping for residential lots that portion of Strand Vista Park situated seaward of the County parking lot and the area along the North project boundary parallel to the County beach access stairway and HOA maintained common areas and slopes (residential plan areas only) shall be established at the Site Development Permit approval, and may vary from the list provided any plant utilized is both non-invasive and drought tolerant. In addition to the City approved Site Development Permit, in conjunction with the final maps, an architectural review board and conditions, covenants and restrictions (CC&Rs) shall be established for the residential

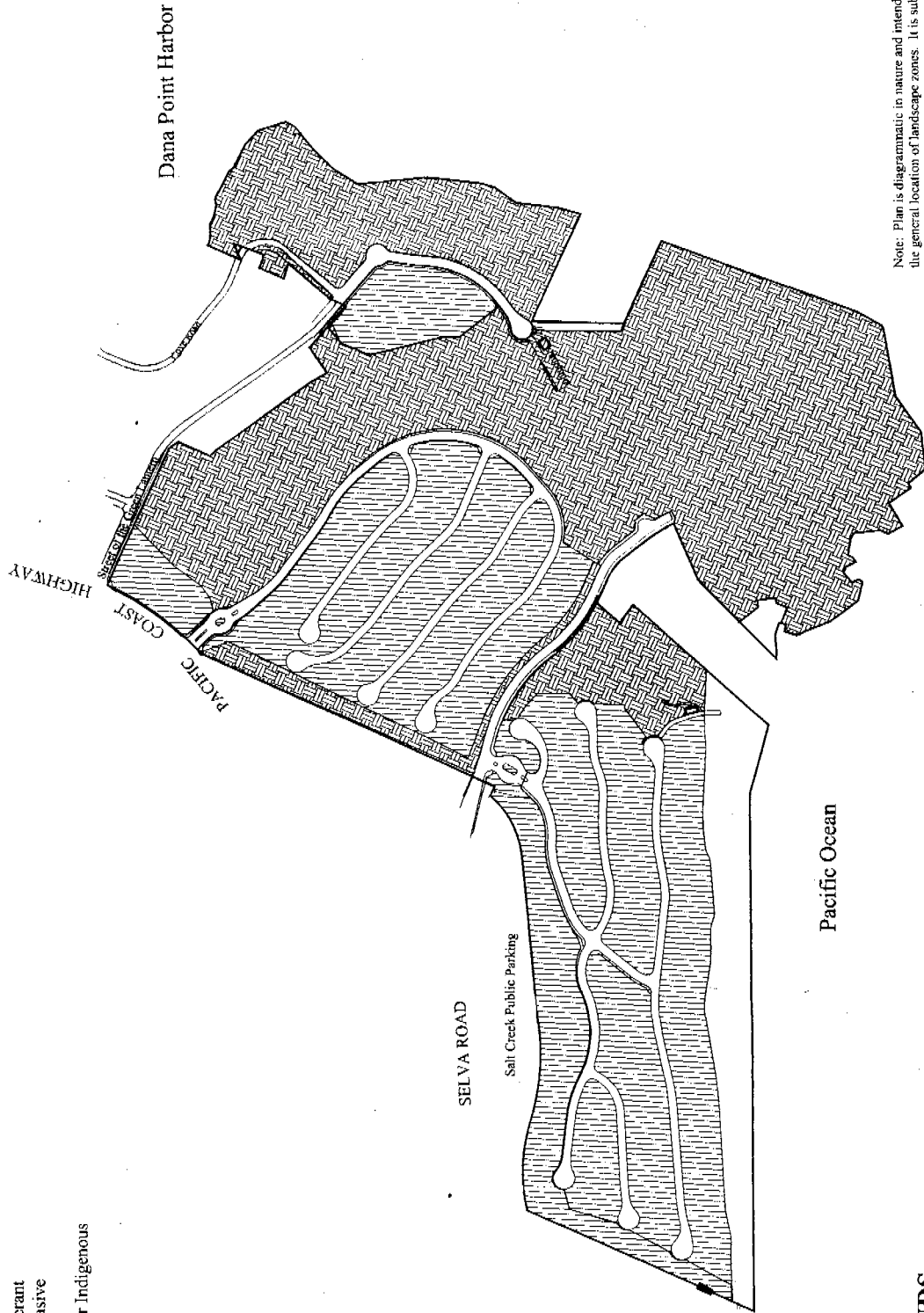
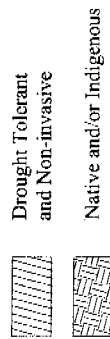
COASTAL COMMISSION

neighborhoods and address landscape guidelines. All landscape guidelines shall restrict materials to ensure public views from public areas are maintained permanently. Furthermore, all landscape guidelines shall mandate the use of native plants appropriate to the habitat type throughout the Headlands, excepting landscaping on private residential lots, that portion of Strand Vista Park situated seaward of the County parking lot and the area along the North project boundary parallel to the County beach access stairway, HOA maintained common areas and slopes (residential plan areas only) and within Planning Areas 4 and 9 where use of native plants shall be encouraged but where non-native, non-invasive, drought tolerant plants may be utilized. The South Strand Vista Park area designated for habitat revegetation will utilize the native species plant palette identified in Table 4.14.1, Revegetation Plant Palette.

COASTAL COMMISSION

EXHIBIT # 4
PAGE 3 OF 5

LANDSCAPE ZONE MASTER PLAN
FIGURE 4.16.1



Note: Plan is diagrammatic in nature and intended to show the general location of landscape zones. It is subject to change based on final engineering, planning, and design.



COASTAL COMMISSION

EXHIBIT # 4

PAGE 4 OF 5

THE HEADLANDS
DEVELOPMENT AND CONSERVATION PLAN

TABLE 4.16.2

DROUGHT TOLERANT AND NON-INVASIVE LANDSCAPE PALETTE

The following native and non-native drought tolerant and non-invasive species are approved for use within each individual residential lot (Planning Areas 2 and 6), that portion of Strand Vista Park situated seaward of the County parking lot and the area along the North project boundary parallel to the County beach access stairway, and HOA maintained common areas and slopes (residential plan areas only) and within Planning Areas 4 and 9, PCH Commercial and Seaside Inn, respectively. Additional drought tolerant, non-invasive species may be utilized, subject to the review and approval of the SDRC and the Director of Community Development, City of Dana Point.

Trees	
Botanical Name	Common Name
<i>Acacia baileyana</i>	Bailey Acacia
<i>Acacia pendula</i>	Weeping Acacia
<i>Acacia subporosa</i>	River Wattle
<i>Agonis flexuosa</i>	Peppermint Tree
<i>Albizia julibrissin</i>	Persian Silk Tree
<i>Aloe bainesii</i>	No Common Name
<i>Arbutus hybrid 'Marina'</i>	Marina Strawberry Tree
<i>Bauhinia variegata</i>	Purple Orchid Tree
<i>Brachychiton acerifolius 'Majestic Beauty'</i>	Australian Flame Tree
<i>Brachychiton populneus</i>	Bottle Tree
<i>Callistemon viminalis</i>	Weeping Bottlebrush
<i>Chitalpa tashkentensis</i>	Chitalpa
<i>Chorisia speciosa 'Majestic Beauty'</i>	Floss Silk Tree
<i>Cinnamomum camphora</i>	Camphor Tree
<i>Dombeya wallichii</i>	Pink Ball Tree
<i>Dracena draco</i>	Dragon Tree
<i>Dracena marginata</i>	No Common Name
<i>Elaeocarpus decipiens</i>	Japanese Blueberry Tree
<i>Eriobotrya deflexa</i>	Bronze Loquat
<i>Erythrina coralloides</i>	Naked Coral Tree
<i>Erythrina crista-galli</i>	Cockspur Coral Tree
<i>Erythrina humeana</i>	Natal Coral Tree
<i>Feijoa sellowiana</i>	Pineapple Guava
<i>Ficus lyrata</i>	Fiddle Leaf Fig
<i>Ficus nekbudu</i>	Zulu Fig
<i>Ficus rubiginosa</i>	Rustyleaf Fig
<i>Geijera parviflora</i>	Australian Willow
<i>Jacaranda mimosifolia</i>	Jacaranda
<i>Juniperus chinensis 'Torulosa'</i>	Hollywood Juniper
<i>Koelreuteria bipinnata</i>	Chinese Flame Tree
<i>Koelreuteria paniculata</i>	Goldenrain Tree
<i>Lagerstroemia indica 'Natchez'</i>	White Crape Myrtle

COASTAL COMMISSION

EXHIBIT # 4
PAGE 5 OF 5